

**LEWIS
AND
ROCA**
LLP
LAWYERS

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund,
LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For August 21,
2009 Hearings filed by USACM
Liquidating Trust**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

1. **Status Hearing Re: Second Amended Complaint:** Adv. 06-01256-lbr,
USA Commercial Mortgage Company et al v. Reale et al

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **Amended**
2 **Complaint filed:**
3 04/05/07

Second Amended Complaint Filed by ANNE M. LORADITCH on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC against CRAIG ORROCK, Betty Phenix, ALLEN ABOLAFIA, BOB ALUM, FRANK J. BELMONTE, JR., JEAN JACQUES BERTHELOT, GARY BRENNAN, PAUL BRUGGEMANS, WILLIAM F ERRINGTON, HARV GASTALDI, GREAT WHITE INVESTMENTS, NV, INC., VINCENT GREEN, HMA SALES LLC, JAYEM FAMILY LTD PARTNERSHIP, AIMEE KEARNS, KLAUS KOPF, ARLENE KRAUS, BERNARD KRAUS, JOSEPH B. LAFAYETTE, GEORGES LAFORGE, JASON G LANDESS, SVEN LEVIN, JACQUES M. MASSA, NATIONAL REAL ESTATE HOLDINGS, INC., R&N REAL ESTATE INVESTMENTS, R.G.T. MILLER (TRUSTEE), SALVATORE REALE, DENNIS F. SIPIORSKI, DAVID STIBOR, KENNETH TRECHT, USA COMMERCIAL REAL ESTATE GROUP, ROBERT J. VERCHOTA, STEVE WALTERS, RUSSELL J. ZUARDO [DE 201]

13 **Order filed:**
14 06/15/09

Hearing Scheduled/Rescheduled. Status hearing to be held on 8/21/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 443]

15 **Status**

16
17 2. **Motion to Approve Settlement Pursuant to Rule 9019 of the Federal**
18 **Rules of Bankruptcy Procedure:** Adv. 08-01122-lbr, USACM Liquidating Trust v. J.M.K. Investments, Ltd. Et al

19 **Motion filed:** Motion to Approve Settlement Pursuant to Rule 9019 of the
20 7/21/09 Federal Rules of Bankruptcy Procedure with Certificate of
21 Service Filed by JON MAXWELL BEATTY on behalf of
USACM LIQUIDATING TRUST [DE 59]

22 **Status** Unopposed.

23 3. **Status Hearing Re: Complaint:** Adv. 08-01122-lbr, USACM Liquidating
24 Trust v. J.M.K. Investments, Ltd. Et al

1 **Complaint filed:** Adversary case 08-01122. Complaint Filed by USACM
2 04/11/08 LIQUIDATING TRUST vs. J.M.K. INVESTMENTS, LTD.,
3 JOHN M KEILLY, MOUNTAIN WEST MORTGAGE LLC [DE
1]
4 **Order filed:** Order Re Status Hearing. Status hearing to be held on 8/21/2009
5 6/29/09 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 57]
6 **Status** Settled.

7 4. **Continued Scheduling Conference Re: First Amended Complaint:** Adv.
8 08-01121-lbr, USACM Liquidating Trust v. Fertitta Enterprises, Inc. et al

9 **First Amended** First Amended Complaint Filed by MICHAEL YODER on behalf
10 **Complaint filed:** of USACM LIQUIDATING TRUST against FERTITTA
08/29/08 ENTERPRISES, INC. [DE 15]

11 **Order filed:** Order To Show Cause And Re Scheduling Conference. Status
12 6/29/09 hearing to be held on 8/21/2009 at 09:30 AM at LBR-Courtroom
13 1, Foley Federal Bldg.. Show Cause hearing to be held on
7/17/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg.
[DE 59]

14 **Response filed:** Response to *Order to Show Cause* with Certificate of Service
15 7/10/09 Filed by GREGORY M SALVATO on behalf of FERTITTA
ENTERPRISES, INC. [DE 60]

16 **Status** Order Imposing Sanctions was entered on August 3, 2009 [DE
17 61].

18 5. **Amended Motion to Intervene and to Substitute for Plaintiff USACM**
19 **Liquidating Trust:** Adv. 08-01066-lbr, USACM Liquidating Trust v. Compass USA
20 SPE, LLC et al

21 **Motion filed:** Amended Motion to Intervene *and to Substitute for Plaintiff*
7/23/09 *USACM Liquidating Trust* Filed by DEAN T. KIRBY JR. on
22 behalf of DEBT ACQUISITION COMPANY OF AMERICA V,
23 LLC [DE 62]

24 **Status** The USACM Liquidating Trust does not oppose DACA's
25 intervention and substitution as plaintiff in the adversary
26 proceeding.

1 6. **Status Hearing Re: Complaint:** Adv. 08-01066-lbr, USACM Liquidating
2 Trust v. Compass USA SPE, LLC et al

3 **Complaint filed:** Adversary case 08-01066. Complaint Filed by USACM
4 02/29/08 LIQUIDATING TRUST vs. COMPASS USA SPE, LLC,
 REPUBLIC TITLE OF TEXAS, INC. [DE 1]

5 **Order filed:** Order Re: Status Hearing. Continued Status hearing to be held on
6 6/30/09 8/21/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg.
 [DE 61]

7 **Status** The USACM Liquidating Trust does not oppose DACA's
8 intervention and substitution as plaintiff in the adversary
 proceeding.

9
10 7. **Status Hearing Re: Objection to Claim 784 of BINFORD MEDICAL**
11 **DEVELOPERS:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

12 **Objection filed:** Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS
13 12/11/06 in the amount of filed by LENARD E. SCHWARTZER on behalf
 of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

14 **Status** Susan William Scann, Attorney for Binford Medical Developers,
15 filed a Motion to Withdraw as Attorney of Record [DE 7337] and
 a Motion to Shorten Notice.

16 8. **Status Hearing Re: Objection to Claim 10725-02570 of Salvatore J.**
17 **Reale:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

18 **Objection filed:** Objection to Claim 10725-02570 of Salvatore J. Reale in the
19 04/24/09 amount of with Certificate of Service Filed by JOHN
 HINDERAKER on behalf of USACM LIQUIDATING TRUST
 [DE 7065]

20 **Status** Withdrawal of Claim filed by Salvatore Reale [DE 7329].
21 Objection is therefore moot.

22
23 9. **Status Hearing Re: Complaint:** Adv. 08-01127-lbr, USACM Liquidating
24 Trust v. Amesburyport Corporation

25 **Complaint filed:** Adversary case 08-01127. Complaint Filed by USACM
26 04/11/08 LIQUIDATING TRUST vs. AMESBURYPORT
 CORPORATION [DE 1]

1 **Order filed:** Order Status Hearing. Continued Status hearing to be held on
2 07/17/09 8/21/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg.
3 [DE 32]

4 **Status** Ready to proceed.

5 10. **Objection to Claim 10725-01313 of Colt Gateway, LLC in the amount of**
6 **\$15,195,931:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

7 **Objection filed:** Objection to Claim 10725-01313 of Colt Gateway, LLC in the
8 05/29/09 amount of \$15,195,931 with Certificate of Service Filed by JOHN
9 HINDERAKER on behalf of USACM LIQUIDATING TRUST
[7157]

10 **Status** Unopposed.

11 11. **Objection to Claim 10725-01318 of HFAH Asylum, LLC in the amount**
12 **of \$6,685,850:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

13 **Objection filed:** Objection to Claim 10725-01318 of HFAH Asylum, LLC in the
14 6/1/09 amount of \$6,685,850 with Certificate of Service Filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
[DE 7168]

15 **Status** Unopposed.

16 12. **Objection to Claim 10725-00516 of Community Bank of Nevada in the**
17 **amount of \$461,170.32:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
18 11

19 **Objection filed:** Objection to Claim 10725-00516 of Community Bank of Nevada
20 6/2/09 in the amount of \$461,170.32 with Certificate of Service Filed by
JON MAXWELL BEATTY on behalf of USACM
LIQUIDATING TRUST [DE 7174]

21 **Status** Unopposed.

22 13. **Objection to Claim 10725-00857 of Bolino Family Revocable Trust**
23 **Dated 3/6/95 in the amount of \$100,000.00:** 06-10725-lbr, USA Commercial Mortgage
24 Company, Chapter 11

25 **Objection filed:** Objection to Claim 10725-00857 of Bolino Family Revocable
26 6/24/09 Trust Dated 3/6/95 in the amount of \$100,000.00 with Certificate
of Service Filed by JOHN HINDERAKER on behalf of USACM
LIQUIDATING TRUST [DE 7203]

Status: Unopposed.

1 14. **Motion to Approve Settlement between the USACM LIQUIDATING**
2 **TRUST and THE RUSSELL ENTITIES:** 06-10725-lbr, USA Commercial Mortgage
Company, Chapter 11

3 **Motion filed:** Motion to Approve Settlement *Between The USACM*
06/24/09 *LIQUIDATING TRUST and THE RUSSELL ENTITIES* with
4 Certificate of Service Filed by ERIC D. MADDEN on behalf of
5 USACM LIQUIDATING TRUST [DE 7205]

6 **Status** Unopposed.

7 15. **Motion to Approve Settlement Pursuant to Rule 9019 of the Federal**
8 **Rules of Bankruptcy Procedure Between USACM LIQUIDATING TRUST and the**
9 **HFA Defendants:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

10 **Motion filed:** Motion to Approve Settlement *Pursuant to Rule 9019 of the*
6/24/09 *Federal Rules of Bankruptcy Procedure Between USACM*
11 *LIQUIDATING TRUST and the HFA Defendants* with Certificate
12 of Service Filed by STEPHEN T LODEN on behalf of USACM
LIQUIDATING TRUST [DE 7208]

13 **Status** Unopposed.

14 16. **Omnibus Objection to Claim 10725-00023, 10725-00024, and 10725-**
15 **00025 of General Electric Capital Corporation:** 06-10725-lbr, USA Commercial
Mortgage Company, Chapter 11

16 **Objection filed:** Omnibus Objection to Claim 10725-00023, 10725-00024, and
07/20/09 10725-00025 of General Electric Capital Corporation in the
17 amount of with Certificate of Service Filed by JON MAXWELL
18 BEATTY on behalf of USACM LIQUIDATING TRUST [DE
7240]

19 **Status** Unopposed.

20 17. **Omnibus Objection of USACM Trust to Proofs of Claim Based upon**
21 **Investment in the 3685 San Fernando Road Partners Loan:** 06-10725-lbr, USA
22 Commercial Mortgage Company, Chapter 11

23 **Objection filed:** *Omnibus Objection of USACM Trust to Proofs of Claim Based*
7/21/09 *Upon Investment in the 3685 San Fernando Road Partners Loan*
24 with Certificate of Service Filed by MARVIN C. RUTH on behalf
25 of USACM LIQUIDATING TRUST [DE 7243]

26 **Status** Unopposed.

1 18. **First Omnibus Objection of USACM Trust to Proofs of Claim Based, in**
2 **Whole or in Part, Upon Investment in the 3685 San Fernando Road Partners Loan:**
3 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

4 **Objection filed:** *First Omnibus Objection of USACM Trust to Proofs of Claim*
5 7/21/09 *Based, in Whole or in Part, Upon Investment in the 3685 San*
6 *Fernando Road Partners Loan with Certificate of Service Filed*
7 by MARVIN C. RUTH on behalf of USACM LIQUIDATING
8 TRUST [DE 7244]

9 **Status** Unopposed.

10 19. **Second Omnibus Objection of USACM Trust to Proofs of Claim Based,**
11 **in Whole or in Part, Upon Investment in the 3685 San Fernando Road Partners**
12 **Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

13 **Objection filed:** *Second Omnibus Objection of USACM Trust to Proofs of Claim*
14 7/21/09 *Based, in Whole or in Part, Upon Investment in the 3685 San*
15 *Fernando Road Partners Loan with Certificate of Service Filed*
16 by MARVIN C. RUTH on behalf of USACM LIQUIDATING
17 TRUST [DE 7245]

18 **Status** Unopposed.

19 20. **Nineteenth Omnibus Objection to Proofs of Claim for Lack of**
20 **Documentation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

21 **Objection filed:** *Nineteenth Omnibus Objection to Proofs of Claim for Lack of*
22 7/22/09 *Documentation with Certificate of Service Filed by JOHN*
23 HINDERAKER on behalf of USACM LIQUIDATING TRUST
24 [DE 7253]

25 **Status** Unopposed.

26 21. **Twentieth Omnibus Objection to Proofs of Claim for Lack of**
27 **Documentation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

28 **Objection filed:** *Twentieth Omnibus Objection to Proofs of Claim for Lack of*
29 7/22/09 *Documentation with Certificate of Service Filed by JOHN*
30 HINDERAKER on behalf of USACM LIQUIDATING TRUST
31 [DE 7256]

32 **Status** Unopposed.

22. **Twenty-First Omnibus Objection to Proofs of Claim for Lack of Documentation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Twenty-First Omnibus Objection to Proofs of Claim for Lack of Documentation* with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 7258]

Response received Norm and Caryn Kiven (claim No. 10725-01301) requested an extension of time to respond. Otherwise, the objection went unopposed.

Status The Trust will ask the Court to continue the hearing on the objection as it relates to the Kiven claim (POC No. 10725-01301), but sustain the rest of the objection.

23. **Twenty-Second Omnibus Objection to Proofs of Claim for Lack of Documentation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Twenty-Second Omnibus Objection to Proofs of Claim for Lack of Documentation* with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 7260]

Response received: Don Marshall contacted the Trust and supplied supporting documentation for Proof of Claim No. 10725-02482.

Status The Trust filed a withdrawal of the objection as it relates to POC No. 10725-02482 [DE 7336]. The Trust will ask the Court to grant the remainder of the objection, which went unopposed.

24. **First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7266]

Status Unopposed.

25. **Second Omnibus Objection of USACM Trust to Proofs of Claim Based upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Second Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based Upon Investment in the Bay Pompano Beach Loan with*
Certificate of Service Filed by MARVIN C. RUTH on behalf of
USACM LIQUIDATING TRUST [DE 7268]

Status Unopposed.

26. **Third Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Third Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based Upon Investment in the Bay Pompano Beach Loan with*
Certificate of Service Filed by MARVIN C. RUTH on behalf of
USACM LIQUIDATING TRUST [DE 7270]

Status Unopposed.

27. **Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Fourth Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based Upon Investment in the Bay Pompano Beach Loan with*
Certificate of Service Filed by MARVIN C. RUTH on behalf of
USACM LIQUIDATING TRUST [DE 7272]

Status Unopposed.

28. **Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Fifth Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based Upon Investment in the Bay Pompano Beach Loan with*
Certificate of Service Filed by MARVIN C. RUTH on behalf of
USACM LIQUIDATING TRUST [DE 7274]

Status Unopposed.

29. **Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7276]
7/23/09

Status Unopposed.

30. **Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7278]
7/23/09

Status Unopposed.

31. **Eighth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Eighth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7280]
7/23/09

Status Unopposed.

32. **Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7283]
7/23/09

Status Unopposed.

33. **Tenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Tenth Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7285]

Status Unopposed.

34. **Eleventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Eleventh Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7287]

Status Unopposed.

35. **Twelfth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Twelfth Omnibus Objection of USACM Trust to Proofs of Claim*
7/23/09 *Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7289]

Status Unopposed.

36. **Thirteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Thirteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7291]

Response filed: Response filed by UNIVERSAL MANAGEMENT, INC., [DE 8/07/09 7332] re claim No. 10725-02123.

Status Ready to proceed. The Trust will ask the Court to sustain the objection except as to POC 10725-02123 and schedule a date for the mediation as required under the ADR Agreement.

37. Fourteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Fourteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7293]

Correction Counsel was contacted by Steve Ives regarding Proof of Claim 10725-02186, for Melvin J. & Evelyn A. Ives Qtip Trust. The correct amount relating to Bay Pompano is \$56,229; Amount scheduled for Diverted principal \$18,428.96, and Approximate Amount Subject to Objection \$37,800.04. in place of the amounts indicated in the objection. The order will reflect the correct amount.

Status Unopposed. The Trust will ask that the Court sustain the objection with the order to reflect the change referenced above.

38. Fifteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Fifteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan* with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7295]

Status Unopposed.

39. Sixteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Sixteenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7297]*

Response received Joy Investment, Inc., sent informal response dated 8/3/09 to counsel re objection re proof of claim No. 10725-02124

Status Ready to proceed. The Trust will ask the Court to sustain the objection except as to POC 10725-02124 and schedule a date for the mediation as required under the ADR Agreement.

40. **Seventeenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection filed: *Seventeenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [DE 7299]*

Status Unopposed.

41. **Motion to Stay Pending Appeal:** Adv. 08-01125-lbr, USACM Liquidating Trust v. Eagle Ranch, LLC et al

Motion filed: Motion To Stay Pending Appeal with Certificate of Service Filed by DANA A. DWIGGINS on behalf of EAGLE RANCH, LLC [DE 145]

Status Settlement reached with Eagle Ranch Defendants and documents are being prepared.

42. **Continued Status Hearing Re: Complaint:** Adv. 08-01134-lbr, USACM Liquidating Trust et al v. Petersen et al

1 **Complaint filed:** Adversary case 08-01134. Complaint Filed by USACM
2 04/12/08 LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED
3 TRUST DEED FUND, LLC vs. MARY PETERSEN, MARY
4 PETERSEN FAMILY TRUST DTD 8/12/98, MICHAEL D
5 PETERSEN, MICHAEL D PETERSEN FAMILY TRUST DTD
8/12/98, KATHRYN L PETERSEN, KATHRYN L. PETERSEN
LIVING TRUST, KLP TRUST DTD 7/15/99 [DE 1]

6 **Order filed:** Order Continuing Status Hearing. Continued Status hearing to be
7 07/2/09 held on 8/21/2009 at 09:30 AM at LBR-Courtroom 1, Foley
Federal Bldg. [DE 124]

8 **Status** The parties have reached a settlement.

9
43. **Motion to Approve Amended Joint Discovery Plan:** Adv. 08-01135-lbr,
10 USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

11 **Motion filed:** Motion to Amend *Motion to Approve Amended Joint Discovery*
12 7/21/09 *Plan* with Certificate of Service Filed by ERIC D. MADDEN on
13 behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC [DE 160]

14 **Status** Unopposed.

15
44. **Motion to Compel Defendants to Respond to Requests for Production of**
16 **Documents and Interrogatories:** Adv. 08-01125-lbr, USACM Liquidating Trust v.
17 Eagle Ranch, LLC et al

18 **Motion filed:** Motion to Compel *Defendants to Respond to Requests for*
19 7/24/09 *Production of Documents and Interrogatories* with Certificate of
Service Filed by MICHAEL YODER on behalf of USACM
LIQUIDATING TRUST [DE 148]

20 **Status** Ready to proceed.

21 Dated August 19, 2009.

22 **LEWIS AND ROCA LLP**

23
24 By: /s/ RC (#6593)
Susan M. Freeman, AZ 4199 (*pro hac vice*)
25 Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
26 *Counsel for USACM Liquidating Trust*

LEWIS
AND
ROCA
LLP
LAWYERS

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on August 19, 2009 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Carrie Lawrence

Carrie Lawrence
Lewis and Roca LLP